

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Shawn Patrick Greene

Docket No. 7:09-CR-89-1F

Petition for Action on Supervised Release

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Shawn Patrick Greene, who, upon an earlier plea of guilty to Possession of Counterfeit Obligations, in violation of 18 U.S.C. § 472, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on March 2, 2010, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
4. The defendant shall pay a special assessment of \$100.00.

Shawn Patrick Greene was released from custody on March 4, 2013, at which time the term of supervised release commenced.

On April 2, 2013, a Violation Report was submitted reporting that the defendant had tested positive for marijuana. The probation officer recommended, and the court agreed, that supervision be allowed to continue.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 5, 2013, the defendant submitted to surprise urinalysis which proved positive for marijuana. When confronted, the defendant denied using the substance. On June 21, 2013, the laboratory report from Alere Laboratory confirmed the sample was positive for marijuana. When confronted again, the defendant admitted to using the substance.

The defendant is single and lives with his mother in Jacksonville, North Carolina. He is attending Miller-Motte College pursuing a business degree. The defendant was placed in the Surprise Urinalysis Program (SUP) for surprise urine screens at the onset of supervised release. As a result of testing positive for marijuana in March 2013, he was referred to Palm Wellness Center for outpatient substance abuse treatment.

The probation officer is recommending modification of the defendant's supervision to include 60 days home detention with electronic monitoring to serve as a sanction for his most recent drug use. The defendant will continue in SUP and outpatient substance abuse treatment.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Djon B. Barrett
Djon B. Barrett
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: July 2, 2013

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ORDER OF COURT

Considered and ordered this 2nd day of July, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge